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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,819	05/24/2001	Kirsten Bojsen	5559.204-US	3719
25908	7590	03/24/2006	EXAMINER	
NOVOZYMES NORTH AMERICA, INC.			NASHED, NASHAAT T	
500 FIFTH AVENUE			ART UNIT	
SUITE 1600			PAPER NUMBER	
NEW YORK, NY 10110			1656	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/856,819	Applicant(s) BOJSEN ET AL.	
	Examiner Nashaat T. Nashed, Ph. D.	Art Unit 1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 94-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 94-99 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/06, 1/23/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

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The application has been amended as requested in the communication filed June 8, 2004 and March 10, 2006. Accordingly, claims 1-100 have been canceled; and new claims 101-105 have been entered.

Claims 101-105 are pending and under consideration.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825. Specifically, Figure 1 contains three amino acid sequences, none of which is listed in the sequence listing. Applicants must file a new paper copy and a computer readable form (CRF) of the sequence listing accompanied with a statement indicating the paper copy and the CRF are identical and contain no new matter. Also, applicants are required to amend the specification to delete the old sequence listing and enter the new sequence listing as well as amend the Figure description of Figure 1 to include the amino acid sequence identifier.

Claims 101-105 are allowed.

The following is an examiner's statement of reasons for allowance: The application discloses several lipolytic enzyme variants and methods of making said lipolytic enzymes as well as their use specifically in making dough for baking, see page 14, and examples 16-19. Example 20 teach the desirability for a lipolytic enzyme having preference for long chain fatty acid because short chain fatty acids have a repugnant smell. A ration >3 produced breads with no smell, see the table bridging pages 53 and 54. Other desirable characteristic of lipolytic enzyme suitable for use in dough such as hydrolyzing phospholipids and digalactosyl diglyceride are taught. In addition, assay methods for assaying the desired catalytic activities are disclosed starting at page 26. The claimed methods are enabled and fully described in the specification and free of the prior art. A third party protest is noted in the file, which warn of possible interference between the instant application and serial number 09/727,852 ('852), and point to the fact that the owners of the instant applications and the '852 application are currently in litigation. The third party is seeking to add an additional inventor to the instant application who is, presumably, employed by the owner of the '852 application. While the claims in the '852 are nearly identical to the instant claims, the '852 application claims improper priority. It is claiming priority to PCT/DK99/0064 ('064), filed November 29, 1999, which the instant application is filed under 35 USC 371. Neither the instant application nor the '064 international application has a common inventor with the '852. Also, the record of the '852 application does not contain an assignment of the application. In addition, the '852 application claims improper priority to U. S. provisional applications 60/160,735 filed October 22, 1999 and 60/111,430 filed December 8, 1998; and Danish patent applications 1998 01572, filed November 27, 1998; 1999 00391, filed March 22, 1999; and 1999 01481 filed October 15, 1999, which are the priority document of the instant application. None of the priority


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document cited above has a common inventor with the '852 and, as far as the examiner can tell from the record, no common assignee. If the improper claimed priority in the '852 is removed, the instant application is the senior party. Thus, an interference can't be declared between the instant application and the '852 application, which is currently suspended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashaat T. Nashed, Ph. D. whose telephone number is 571-272-0934. The examiner can normally be reached on MTWTF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen M. Kerr can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nashaat T. Nashed, Ph. D.
Primary Examiner
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Continuation of Attachment(s) 6). Other: more IDS's: 2/9/04, 2/9/04,2/17/04, 1/24/05, & 7/20/01.